IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8877 of 1990

For Approval and Signature:

Hon'ble MR.JUSTICE A.M.KAPADIA

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

RAVJI K PANDAR

Versus

DIST SUPERINT OF POLICE

Appearance:

MR ANANT S DAVE for Petitioners

MS NANDNI JOSHI, learned AGP for the respondents

CORAM : MR.JUSTICE A.M.KAPADIA

Date of decision: 09/03/2001

ORAL JUDGEMENT

1. By means of filing this petition under Article 226 of the Constitution of India, petitioners who are serving in the Police Department and have allotted housing accommodation by virtue of their service challenge the orders dated November 23, 1990 and December 3, 1990 passed by respondent No.1 by which it was ordered to recover the market rent in respect of the premises allotted to them for the period during which they were in their unauthorised occupation. It is, therefore, prayed to issue a writ of mandamus or a writ in the nature of mandamus or any other appropriate writ, directions and/or orders quashing and setting aside the order dated November 23, 1990 and December 3, 1990 passed by respondent No.1.

2. When the matter is called out Mr.Anant S. Dave, learned counsel for the petitioner and Ms.Nandni Joshi, learned AGP for the respondents are present and they jointly submitted that by virtue of the order dated December 29, 1995 passed by respondent No.1, the period during which the petitioners occupied the premises unauthorisely have been regularized on the basis of the representation made by the petitioners. Therefore, according to them, this petition has become infructuous. A copy of the order dated December 29, 1990 passed by the respondent no.1 is also placed on record by Ms.Joshi, learned AGP for the respondents, for the perusal.

3. In view of the aforesaid facts and circumstances emerging from the record of the case and more particularly in view of the order dated December 29, 1995 passed by respondent No.1 by which the period during which the petitioners occupied the premises unauthorisely have been regularized, this petition has now become infructuous.

4. For the aforesaid reasons, the petition is rejected as it has become infructuous. Rule is discharged with no order as to costs. Interim relief granted earlier stands vacated.

(A. M. Kapadia, J.)

(vrp)*